

19 MAG 9969

ORIGINAL

Approved: _____

SARAH KRISOFF
 Sarah Krissoff/Sagar Ravi
 Assistant United States Attorneys

Before: THE HONORABLE DEBRA FREEMAN
 United States Magistrate Judge
 Southern District of New York

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UNITED STATES OF AMERICA

: COMPLAINT

- v. -

: Violation of
 18 U.S.C. § 922(g)(1)

TYLER SYKES,

:

COUNTY OF OFFENSE:

Defendant.

: BRONX

- - - - - X

SOUTHERN DISTRICT OF NEW YORK, ss.:

Johnmichael Medina, being duly sworn, deposes and says that he is a Special Agent with the Bureau of Alcohol, Tobacco, Firearms, and Explosives ("ATF") and charges as follows:

COUNT ONE

1. On or about September 4, 2019, in the Southern District of New York and elsewhere, TYLER SYKES, the defendant, knowing he had previously been convicted in a court of a crime punishable by imprisonment for a term exceeding one year, knowingly did possess, in and affecting commerce, ammunition, to wit, 9 millimeter caliber Companhia Brasileira de Cartuchos S.A. luger ammunition, which had been shipped and transported in interstate commerce.

(Title 18, United States Code, Section 922(g)(1).)

The bases for my knowledge and for the foregoing charges are, in part, as follows:

2. I am a Special Agent with ATF, and I have been personally involved in the investigation of this matter. This affidavit is based upon my conversations with other law enforcement officers, my examination of reports and records prepared by law enforcement officers, and my involvement in this investigation. Because this affidavit is being submitted for the limited purpose of establishing probable cause, it does not include all of the facts that I have learned during the course of my investigation. Where the contents of documents and the actions, statements, and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

3. On or about September 2, 2019, a woman ("Victim-1") was shot outside of a building located on Bassford Avenue in the Bronx (the "Building"). On or about September 3, 2019, the United States Probation Office for the Southern District of New York ("Probation") submitted a supervised release violation report (the "September 3 Report") for TYLER SYKES, the defendant, to United States District Judge Lorna G. Schofield.¹ In the September 3 Report, Probation alleged that SYKES discharged the firearm that shot Victim-1 on September 2, 2019, and brought three violations against SYKES, including two violations related to the September 2, 2019 shooting. On or about September 3, 2019, Judge Schofield issued a warrant for SYKES' arrest.

4. Based on my review of documents prepared by law enforcement officers, including Probation documents, and my discussions with two United States Probation Officers ("Probation Officer-1" and "Probation Officer-2"), I know the following, in substance and in part:

¹ SYKES began his period of supervised release on or about December 28, 2018, and his period of supervision currently expires on or about December 26, 2020.

- a. On or about September 4, 2019, law enforcement officers, including officers from the United States Marshals Service ("USMS") and the United States Probation Office's Special Operations Response Team ("SORT"), went to one of the residences associated with TYLER SYKES, the defendant, to conduct a search of the residence to and execute the arrest warrant for SYKES. SYKES was not located at this residence, and no contraband was found.²
- b. Officers with the USMS and SORT then conducted a search of a second residence associated with SYKES, an apartment inside of the Building (the "Apartment").³ There were no occupants inside of the Apartment at the time of the search. According to Probation Officer-2, who participated in the search of the Apartment, there were two bedrooms in the apartment: one bedroom with bunk beds that appeared to be a children's room, and a second bedroom with one bed that appeared to be an adult bedroom.

² Another individual with an outstanding warrant was arrested at the location.

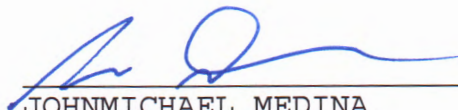
³ Probation Officer-1 met with SYKES in front of the Building, in or about the week of August 20, 2019. At that time, in sum and substance, SYKES told Probation Officer-1 that SYKES' girlfriend lived in an apartment in the Building, and that SYKES would stay with her in the Building. In addition, before the search of the Apartment, Probation Officer-1 received information from law enforcement officers involved in the investigation of the September 2, 2019 shooting outside of the Building, including, among other things, information identifying the specific apartment in the Building where SYKES' girlfriend resided.

c. During the course of the search, a Probation Officer located two letters addressed to SYKES on the floor of the adult bedroom, inside of a bag. Probation Officer-2 also located an airline ticket in SYKES' name on top of the dresser in the adult bedroom, and inside one of the drawers of the dresser, a pillowcase containing a black magazine for a firearm which was loaded with four rounds of 9 millimeter caliber Companhia Brasileira de Cartuchos S.A. luger ammunition (the "Ammunition").

5. From my review of criminal history records, I have learned, in substance and in part, (1) that on or about April 4, 2013, SYKES was convicted, in New York County Supreme Court, of Attempted Assault in the Second Degree: Intent to Cause Physical Injury with a Deadly Weapon or Dangerous Instrument, a Class D felony, in violation of New York Penal Law Section 120.05(2), which is punishable by imprisonment for more than one year, and for which SYKES was sentenced to an order of protection and 18 months to 3 years' imprisonment; and (2) that on or about July 7, 2016, SYKES was convicted, in the Southern District of New York, of being a felon in possession of a firearm, which had previously been shipped and transported in interstate and foreign commerce, in violation of Title 18, United States Code, Sections 922(g)(1) and 2, which is punishable by imprisonment for more than one year, and for which SYKES was sentenced to 19 months' imprisonment.

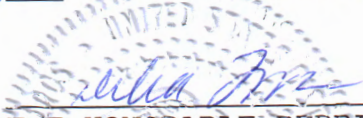
6. Based on information provided by another Special Agent with the Bureau of Alcohol, Tobacco & Firearms, who is familiar with the manufacturing of firearms and ammunition, I know that 9 millimeter caliber Companhia Brasileira de Cartuchos S.A. luger ammunition is not, and has never been, manufactured in New York State.

WHEREFORE, deponent respectfully requests that a warrant be issued for the arrest of TYLER SYKES, the defendant, and that he be arrested and imprisoned or bailed, as the case may be.



JOHNMICHAEL MEDINA
Special Agent
Bureau of Alcohol, Tobacco, Firearms,
and Explosives

Sworn to before me this
23 day of October, 2019


THE HONORABLE DEBRA FREEMAN
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK